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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,687	01/30/2001	Ellis K. Cave	47524-P104CP1-09908773	8575

29053 7590 08/24/2004

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EXAMINER	
SHEW, JOHN	

ART UNIT	PAPER NUMBER
2664	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/772,687	CAVE ET AL.	
	Examiner	Art Unit	
	John L Shew	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,14-18,20-54 and 56-63* is/are rejected.

7)☒ Claim(s) *13,19 and 55* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 January 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *05242001,07162001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because

FIG. 6 CloseLogicalChannel message 932 identifies "B"s IP AND RTP ADDRESS, should be "A"s IP AND RTP ADDRESS.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the

drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

1. The disclosure is objected to because of the following informalities:

Page 28 line 6 cites "gateway 810 and VMS 804" should be "gateway 810 and CCS 802".

Page 28 line 6 cites "gateway 812 and VMS" should be "gateway 812 and CCS".

Page 28 line 7 cites "804" should be "802".

Page 35 line 11 cites "G.931" should be "Q.931".

Page 36 line 3 cites "H.245-G.931" should be "H.245-Q.931".

Page 40 line 11 cites "telephone 814" should be "telephone 832".

Page 42 line 25 cites "gateway 801" should be "gateway 810".

Page 47 line 19 cites "data streams 1091 and 1092" should be "data streams 1491 and 1492".

Page 53 line 21 cites "to telephone 814" should be "to telephone 832".

Appropriate correction is required.

EXAMINER'S AMENDMENT

Page 62 cites a duplicate claim 24. This has been renumbered as claim 26.

Page 62 cites a duplicate claim 25. This has been renumbered as claim 27.

Subsequent claims 26-61 has been renumbered as 28-63 respectively.

Claim Objections

2. Claim 9 is objected to because of the following informalities:

Claim 9 is dependent on claim d, which is non-existent.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 8-9, 11-12, 14-18, 20-21, original claims 37-52, 54-61 renumbered as claims 39-54, 56-63 respectively are rejected under 35 U.S.C. 102(3) as being unpatentable over Elliott et al.

Claims 1-2, 8-9, 11-12, 14-18, 20-21, original claims 37-52, 54-61 renumbered as claims 39-54, 56-63 respectively, Elliott teaches a method for providing enhanced calling services (FIG. 1) referenced by Data Network 112 in conjunction to Carrier Facility network 126 providing calling services via the Data Network, comprising interfacing a first communication device to an asynchronous network (FIG. 1, column 5 lines 41-48) referenced by a first communication device Telephone 120 connected to Gateway Site 110 interfacing to asynchronous Data Network 112 which is an IP based network, interfacing a second communication device to said asynchronous network (FIG. 1) referenced by second communication device Telephone 102 connected to Gateway Site 108 interfacing to asynchronous Data Network 112, interfacing an interactive response process to said asynchronous network (FIG. 6D) referenced by Calling Card IVR 632 connected to Gateway Site 110 interfacing to asynchronous Data Network 12, wherein said interactive response process is adapted to directly utilize packet network protocols (column 43 lines 2-6) referenced by use of packet network

protocols IPDC and SR-3511, establishing a first signaling channel associated with said first communication device and said interactive response process (FIG. 1, FIG. 6C, FIG. 6D, column 42 lines 56-67, column 43 lines 1-6) referenced by control signals H.323 from the Soft Switch 204 via Gateway Site 110 to the IVR 632 connecting Telephone 120 to a Calling Card IVR, directing under control of said interactive response process using first signaling channel a first media stream associated with said first communication device to said second communication device to thereby provide a call (FIG. 2B) referenced by IVR in combination with Soft Switch 304 control of RTP/UDP/IP media stream between Telephone 120 and Telephone 102, directing a third media stream from said interactive response process to said first communication device during a time in which said first media stream is directed to said second communication device (FIG. 6C, column 42 lines 56-59) referenced by a third media stream to the Calling Card IVR 632 to obtain information calling card information from the calling party using the first communication device Telephone 120.

Claim 2, Elliott teaches establishing a second signaling channel associated with said second communication device and said interactive response process (FIG. 6C, column 40 lines 39-43, column 223 lines 8-12) referenced by IVR operators services collect calls which requires establishing a second signaling channel associated to the second communication device Telephone 102 via Soft Switch 204 to confirm acceptance of charges, directing under control of said interactive response process using said second signaling channel a second media stream associated with said second communication device to said first communication device (FIG. 2B) referenced by acceptance of collect

charges and using second signaling channel 259 to connect second communication device Telephone 102 to the first communication device Telephone 120.

Claim 8, Elliott teaches directing a fourth media stream from said interactive response process to said second communication device during a time in which said second media stream is directed to said first communication device (FIG. 6C, column 40 lines 39-43, column 223 lines 8-12) referenced by IVR operator services collect calls which requires establishing a fourth media stream with the second communication device Telephone 102 to confirm acceptance of charges.

Claim 9, Elliott teaches said call is provided at a reduced rate at least in part as a function of said third and fourth media streams being directed to said first and second communication devices (column 216 lines 36-54) referenced by the use of Private Voice Network Services wherein the first and second communication devices are "on-net" within the private network at discount prices.

Claim 11, Elliott teaches wherein at least one of said first and second communication devices is provided the opportunity to opt out of receiving a respective one of said third and fourth media streams (FIG. 6C, column 40 lines 39-43, column 223 lines 8-12) referenced by IVR operators services collect calls which requires establishing a second signaling channel and fourth media stream associated to the second communication device Telephone 102 via Soft Switch 204 to confirm acceptance of charges wherein the charges are declined resulting in opt-out of receiving the fourth media stream.

Claim 12, Elliott teaches wherein opting out by said at least one of said first and second communication devices is signaled to said interactive response process through a

corresponding one of said first and second signaling channels (column 227 lines 18-21) referenced by responses from the second communication device Telephone using DTMF tone detection which is transmitted via the signaling channel.

Claim 14, Elliott teaches wherein content of said third media stream is different than content of said fourth media stream (FIG. 6C, column 40 lines 39-43, column 223 lines 8-12) referenced by IVR operators services collect calls which requires establishing a third media stream from the IVR to the first communication device Telephone 120 to obtain requested collect call information and establishing a fourth media stream from the IVR to the second communication device Telephone 102 to obtain confirmation of charge acceptance resulting in two different media contents.

Claim 15, Elliott teaches wherein said different content of said first media stream comprises information with respect to a status of said call (column 42 lines 56-64, column 223 lines 8-12) referenced by IVR providing operator services of collect calling which provides a first media stream to the first communication device Telephone of the status of the call in terms of charge acceptance or denied by the response of the second communication device Telephone.

Claim 16, Elliott teaches said different content of said first media stream solicits a response from said first communication device (column 223 lines 8-12, lines 36-39) referenced by the collect calling service wherein the first media stream solicits the destination number to which the charges will be billed.

Claim 17, Elliott teaches wherein said response comprises payment authorization information (column 223 lines 8-12, lines 36-39) referenced by the collect calling service

wherein the first media stream receives confirmation as to the acceptance of the reverse payment charges by the second media stream associated to the second communication device Telephone.

Claim 18, Elliott teaches said response is transmitted to said interactive response process through said first signaling channel (FIG. 6D, column 42 lines 56-59, column 223 lines 8-12) referenced by the IVR 632 receiving the collect call destination number followed by the first media signaling channel via Soft Switch 204 to establish the connection to the second media stream.

Claim 20, Elliott teaches directing a first media stream associated with said first communication device to said interactive response process (FIG. 2B, FIG. 6D) referenced by first media stream associated to communication device Telephone 120 to Calling Card IVR 632, accepting said first media stream by said interactive response process (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, generating a response media stream by said interactive response process responsive to said first media stream (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, directing said response media stream to said first communication device (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, accepting information from said first communication device via said first signaling channel (column 224 lines 35-46) referenced by the acceptance of the authorization code and destination telephone number to which the call will be connected, and controlling said directing of said first media stream to said second communication device as a function of said accepted

information to thereby redirect said first media stream from said interactive response process to said second communication device (FIG. 2B, column 224 lines 35-46) referenced by connecting the first media stream associated to the first communication device Telephone 120 to the second media stream associated to the second communication device Telephone 102 as directed by the Soft Switch 304 in response to the telephone digits collected by the Calling Card IVR.

Claim 21, Elliott teaches interfacing a third communication device to said asynchronous network replicating said first media stream to thereby provide a second media stream and directing under control of said interactive response process using said first signaling channel said second media stream to said third communication device during a time in which said first media stream is directed to said second communication device (FIG. 1, column 220 lines 21-25) referenced by three-way conferencing which interfaces a third communication device Telephone 122 to asynchronous Data Network 112 replicating the first media stream associated to first communication device Telephone 120 to second media stream associated to second communication device Telephone 102 and through IVR conferencing using Soft Switch signaling channel.

Original Claim 37 renumbered as Claim 39, Elliott teaches a method for providing enhanced calling services (FIG. 1) referenced by Data Network 112 in conjunction to Carrier Facility network 126 providing calling services via the Data Network, comprising interfacing a plurality of communication devices to an asynchronous network (FIG. 1) referenced by Telephones 102 120 122 and 124 interfaced to Data Network 112, interfacing an interactive response process to said asynchronous network (FIG. 6D)

referenced by Calling Card IVR 632 connected to Gateway Site 110 interfacing to asynchronous Data Network 12, wherein said interactive response process is adapted to directly utilize packet network protocols (column 43 lines 2-6) referenced by use of packet network protocols IPDC and SR-3511, directing a first media stream associated with a first communication device of said plurality of communication devices to said interactive response process (FIG. 1, FIG. 6D) referenced by connection of first media stream of first communication device Telephone 120 to Calling Card IVR 632, accepting said first media stream by said interactive response process (FIG. 1, column 224 lines 35-46) referenced by first communication device Telephone 120 connection to the IVR to request the calling card number, determining at least two communication devices of said plurality of communication devices for use in communication as a function of said accepted first media stream (column 220 lines 21-25) referenced by three-way conferencing wherein the IVR received information on two additional communication device telephones to set up the conference call, directing a second media stream from said interactive response process to a second communication device of said plurality of communication devices wherein said second communication device is one of said at least two communication devices of said plurality of communication devices (FIG. 1) referenced by second media stream to second communication device Telephone 102 controlled by combination IVR Soft Switch Site 106, and directing during a time in which said second media stream is directed from said interactive response process to said second communication device a third media stream from said interactive response process to a third communication device of said plurality of communication devices

wherein said third communication device is one of said at least two communication devices of said plurality of communication devices (FIG. 1, column 220 lines 21-25) referenced by three-way conferencing the third media stream associated with a third communication device Telephone 122 upon receiving the destination telephone number at the IVR.

Original Claim 38 renumbered as Claim 40 dependent upon Claim 39, Elliott teaches determining at least two communication devices as a function of said accepted first media stream is based at least in part on a dialed number associated with said accepted first media stream (FIG. 1, column 220 lines 21-25) referenced by three-way conferencing wherein the first media stream is prompted for a request of the dialed numbers of the destination conferencing parties.

Original Claim 39 renumbered as Claim 41 dependent upon Claim 39, Elliott teaches establishing a first signaling channel associated with said first communication device and said interactive response process (FIG. 1, FIG. D) referenced by connection of first media stream of first communication device Telephone 120 to IVR 632 using the associated signaling to establish the call,

generating a response media stream by said interactive response process responsive to said first media stream (column 224 lines 35-46, column 220 lines 21-25) referenced by the IVR connection to request the calling card number and numbers for 3-way conferencing, directing said response media stream to said first communication device (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, accepting information from said first communication device via said first

signaling channel responsive to said response media stream (column 224 lines 35-46) referenced by the acceptance of the authorization code and destination telephone number to which the call will be connected, wherein said determining at least two communication devices as a function of said accepted first media stream is based at least in part on said information (column 220 lines 21-25) referenced by 3-way conferencing wherein the destination telephone information received over the first media stream is used to establish the 3-way call.

Original Claim 40 renumbered as Claim 42 dependent upon Claim 39, Elliott teaches directing a fourth media stream from said interactive response process to said first communication device wherein said fourth media stream includes information with respect to a status of communications with respect to at least one of said second and third communication devices (column 225 lines 8-19) referenced by the status information of remaining usage cap limit associated to the 3-way conference call.

Original Claim 41 renumbered as Claim 43 dependent upon Claim 42, Elliott teaches said fourth media stream includes information soliciting a response from a user of said first communication device regarding further communications (column 227 lines 64-67) referenced by prompt of access code to allow the connection to the conference call.

Original Claim 42 renumbered as Claim 44 dependent upon Claim 43, Elliott teaches said response is communicated through said first signaling channel (column 220 lines 21-25) referenced by 3-way conferencing wherein the destination telephone information received is used to establish the calls via the signaling channels.

Original Claim 43 renumbered as Claim 45 dependent upon Claim 39, Elliott teaches providing a hierarchy of communication devices wherein communication devices of a first level of said hierarchy have a media stream directed thereto by said interactive response unit before communication devices of a second level of said hierarchy (column 226 lines 32-52) referenced by one-number feature establishing a hierarchy of termination points to locate the called party wherein the combination of IVR with Soft Switch performs the routing.

Original Claim 44 renumbered as Claim 46 dependent upon Claim 45, Elliott teaches wherein said second communication device and said third communication devices are associated with different levels of said hierarchy (column 226 lines 32-52) referenced by one-number feature establishing a hierarchy of termination points to locate the destination party associated with the second communication device and third communication device telephones.

Original Claim 45 renumbered as Claim 47, Elliott teaches a method for providing enhanced calling services (FIG. 1) referenced by Data Network 112 in conjunction to Carrier Facility network 126 providing calling services via the Data Network, comprising interfacing a first communication device to an asynchronous network (FIG. 1, column 5 lines 41-48) referenced by a first communication device Telephone 120 connected to Gateway Site 110 interfacing to asynchronous Data Network 112 which is an IP based network, interfacing a second communication device to said asynchronous network (FIG. 1) referenced by second communication device Telephone 102 connected to Gateway Site 108 interfacing to asynchronous Data Network 112, interfacing an

interactive response process to said asynchronous network (FIG. 6D) referenced by Calling Card IVR 632 connected to Gateway Site 110 interfacing to asynchronous Data Network 12, wherein said interactive response process is adapted to directly utilize packet network protocols (column 43 lines 2-6) referenced by use of packet network protocols IPDC and SR-3511, interfacing an operator system to said interactive response process (FIG. 6C, column 42 lines 56-59) referenced by IVR services provided off-switch similar to operator services, establishing a first signaling channel associated with said first communication device and said interactive response process (FIG. 1, FIG. 6C, FIG. 6D, column 42 lines 56-67, column 43 lines 1-6) referenced by control signals H.323 from the Soft Switch 204 via Gateway Site 110 to the IVR 632 connecting Telephone 120 to a Calling Card IVR, directing under control of said interactive response process using said first signaling channel a first media stream associated with said first communication device to said second communication device (FIG. 2B) referenced by combination IVR Soft Switch 304 control of RTP/UDP/IP media stream between Telephone 120 and Telephone 102, receiving at said interactive response process signaling information from said first communication device indicating a desire to communicate with said operator system (column 223 lines 13-19) referenced by the first communication device accessing an operator by dialing "00" which is signaling information to connection to operator services, redirecting under control of said interactive response process using said first signaling channel said first media stream associated with said first communication device from said second communication device to said operator system (column 225 lines 4-7) referenced by re-

origination feature allowing the calling party of the first communication device to connect to operator service to originate a new call once the call to the second communication device is terminated, and directing a third media stream from said operator system to said first communication device (column 225 lines 4-7) referenced by re-origination feature wherein the first communication device is connected to the operator service by depressing for 2 full seconds.

Original Claim 46 renumbered as Claim 48 dependent upon Claim 47, Elliott teaches said operator system provides automated operator functions (FIG. 6C, column 42 lines 56-59) referenced by IVR which is an automated system providing operator services.

Original Claim 47 renumbered as Claim 49 dependent upon Claim 47, Elliott teaches said operator system provides live operator interaction (column 223 lines 17-35) referenced by a connection to operator services bureau for a live operator.

Original Claim 48 renumbered as Claim 50 dependent upon Claim 47, Elliott teaches said first media stream redirected to said operator system is directed from said first communication device through said interactive response process to said operator system (FIG. 6C, column 224 lines 19-46, column 20-35) referenced by Calling Card IVR obtaining the calling card authorization followed by a "00" entry to redirect the call to operator services.

Original Claim 49 renumbered as Claim 51 dependent upon Claim 47, Elliott teaches establishing a second signaling channel associated with said second communication device and said interactive response process (FIG. 6C, column 40 lines 39-43, column 223 lines 8-12) referenced by IVR operators services collect calls which requires

establishing a second signaling channel associated to the second communication device Telephone 102 via Soft Switch 204 to confirm acceptance of charges, directing under control of said interactive response process using said second signaling channel a second media stream associated with said second communication device to said first communication device (FIG. 2B) referenced by acceptance of collect charges and using second signaling channel 259 to connect second communication device Telephone 102 to the first communication device Telephone 120, during a time in which said first media stream is directed from said first communication device to said second communication device (FIG. 2B) referenced by the call between first media stream of first communication device Telephone 120 and second media stream of second communication device Telephone 102.

Original Claim 50 renumbered as Claim 52 dependent upon Claim 51, Elliott teaches said interactive response process tears down said second media stream directed to said first communication device when said first media stream is redirected to said operator system (column 225 lines 4-7) referenced by the re-origination feature wherein the connection from first communication device Telephone to second communication device Telephone is terminated and the first communication device Telephone is connected to IVR operator service by depressing for 2 seconds allowing the first communication device Telephone to re-originate a call to a new communication device Telephone.

Original Claim 51 renumbered as Claim 53 dependent upon Claim 52, Elliott teaches a fourth media stream is directed to said second communication device from said

interactive response process during a time in which said first media stream is redirected to said operator system (column 230 lines 22-32, column 227 line 50-53) referenced by three-way calling wherein the first media stream is redirected to the IVR to obtain another destination number to conference and the second communication device receives a fourth media stream of music on-hold while waiting.

Original Claim 52 renumbered as Claim 54 dependent upon Claim 53, Elliott teaches said fourth media stream does not include content from either of said first media stream or said third media stream (column 230 lines 22-32, column 227 line 50-53) referenced by three-way calling wherein the first media stream is redirected to the IVR to obtain another destination number to conference and the second communication device receives a fourth media stream of music on-hold while waiting.

Original Claim 54 renumbered as Claim 56 dependent upon Claim 47, Elliott teaches directing a first media stream associated with said first communication device to said interactive response process (FIG. 2B, FIG. 6D) referenced by first media stream associated to communication device Telephone 120 to Calling Card IVR 632, accepting said first media stream by said interactive response process (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, generating a response media stream by said interactive response process responsive to said first media stream (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, directing said response media stream to said first communication device (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, accepting information from said first communication device via said first

signaling channel (column 224 lines 35-46) referenced by the acceptance of the authorization code and destination telephone number to which the call will be connected, and controlling said directing of said first media stream to said second communication device as a function of said accepted information to thereby redirect said first media stream from said interactive response process to said second communication device (FIG. 2B, column 224 lines 35-46) referenced by connecting the first media stream associated to the first communication device Telephone 120 to the second media stream associated to the second communication device Telephone 102 as directed by the Soft Switch 304 in response to the telephone digits collected by the Calling Card IVR.

Original Claim 55 renumbered as Claim 57, Elliott teaches a method for providing enhanced calling services (FIG. 1) referenced by Data Network 112 in conjunction to Carrier Facility network 126 providing calling services via the Data Network, comprising interfacing a plurality of said communication devices to an asynchronous network (FIG. 1) referenced by communication devices telephones 102 120 122 124, wherein a plurality of said number of communication devices include call control functionality (FIG. 1) referenced by call control provided through Carrier Facilities 126 130 128 132, directing a first media stream associated with at least one of a first communication device of said number of communication devices and a second communication device of said number of communication devices to the other one of said first and second communication devices under control of said call control functionality associated with said first communication device (FIG. 2B) referenced by the connection of first media

stream associated to first communication device Telephone 120 and second media stream associated to the second communication device Telephone 102 under the call control initiated by the first communication device Telephone 120 via Soft Switch 304, and directing a second media stream associated with at least one of said first communication device said second communication device and a third communication device of said number of communication devices to at least one of said first second and third communication devices under control of said call control functionality associated with said second communication device (column 227 lines 64-67) referenced by code access of first second and third communication devices to a conference call wherein the second communication device Telephone has call control with respect to it's access to the conference call.

Original Claim 56 renumbered as Claim 58 dependent upon Claim 57, Elliott teaches establishing a first signaling channel associated with said first communication device and said second communication device (FIG. 2B) referenced by the signaling between Soft Switch 304 and Soft Switch 204 to connect first communication device Telephone 120 and second communication device Telephone 102, establishing a second signaling channel associated with said second communication device and said third communication device (column 231 lines 37-44) referenced by 6-way conference call wherein each caller establishes signaling to connect with the other parties of the conference call.

Original Claim 57 renumbered as Claim 59 dependent upon Claim 58, Elliott teaches information with respect to directing said first media stream is communicated through

said first signaling channel (FIG. 2B) referenced by the signaling between Soft Switch 304 and Soft Switch 204 to connect first communication device Telephone 120 and second communication device Telephone 102.

Original Claim 58 renumbered as Claim 60 dependent upon Claim 59, Elliott teaches information with respect to directing said second media stream is communicated through said second signaling channel (FIG. 2B) referenced by the signaling between Soft Switch 304 and Soft Switch 204 to connect first communication device Telephone 120 and second communication device Telephone 102.

Original Claim 59 renumbered as Claim 61 dependent upon Claim 57, Elliott teaches wherein at least one of said first second and third communication devices comprises a general purpose processor based system (FIG. 1, FIG. 70B, column 17 lines 59-67, column 18 lines 1-11) referenced by Processor 7012 used in general purpose computer system with telephone capabilities using VOIP.

Original Claim 60 renumbered as Claim 62 dependent upon Claim 61, Elliott teaches said general purpose processor based system is a multimedia computer (FIG. 70B) referenced by the general purpose computer system.

Original Claim 61 renumbered as Claim 63 dependent upon Claim 57, Elliott teaches at least one of said first second and third communication devices comprises a processor based telephone system adapted to directly utilize packetized data (FIG. 1, FIG. 70B, column 17 lines 59-67, column 18 lines 1-11) referenced by Processor 7012 used in general purpose computer system with telephone capabilities using VOIP.

4. Claims 3-7, 22-25, duplicate claims 24-25 renumbered as claim 26-27 respectively, original claims 26-31 renumbered as 28-33 respectively, are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott as applied to claims 1-2, 8-9, 11-12, 14-18, 20-21, original claims 37-52, 54-61 renumbered as claims 39-54, 56-63 respectively above, and further in view of Cave.

Claims 3-7, 22-25, duplicate claims 24-25 renumbered as claim 26-27 respectively, original claims 26-31 renumbered as 28-33 respectively, Elliott teaches an interactive voice response unit used to establish telephone calls over a packet data network. Elliott does not teach a whisper communication mode nor a recording function.
Cave teaches directing a third media stream provides said third media stream to said first communication device (FIG. 4, column 5 lines 52-54) referenced by media stream from Voice Response Unit out of Line Terminal Interface unit 35 to the first communication device Telephone, in a whisper communication mode (column 6 lines 56) referenced by the creation of a "whisper in the ear" effect, such that second communication device does not receive content of said third media stream (column 6 lines 50-56) referenced by the disabling of summer 33A which is the summer circuit for transmission to the second communication device Telephone via the distribution switch 15.

Elliott teaches a communication mode provides a caller at said first communication device information with respect to a status of said call (column 225 lines 8-11) referenced by prompting the customer when a usage limit is exceeded.

Elliott teaches said communication mode solicits a response from said first communication device (column 225 lines 16-24, lines 32-36) referenced by prompting the card owner of remaining minutes available and prompt of authcode and terminating ANI.

Elliott teaches said response comprises payment authorization information (column 225 lines 25-36) referenced by end-user prompt for authcode translation with invoicing and expenditures.

Elliott teaches said response is transmitted to said interactive response process through said first signaling channel (column 227 lines 18-21) referenced by IVR detection of DTMF tones of customer pass-code which is transmitted via signaling channels.

Claim 22, Cave teaches replicating said first media stream to thereby provide a fourth media stream (FIG. 4, column 23-31) referenced by first media stream output of Line Terminal Interface 35 replicated as fourth media stream output of Summer 33C, directing said fourth media stream to said interactive response process during a time in which said first media stream is directed to said second communication device (FIG. 4) referenced by Voice Response Unit directing first media stream output of Line Terminal Interface 35 to second communication device output of Summer 33A transmitted to Telephone 13, and recording said fourth media stream by said interactive response process (FIG. 4) referenced by Voice Response Unit's voice record function 22R.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the whisper mode and recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 23, Elliott teaches a method for providing enhanced calling services (FIG. 1) referenced by Data Network 112 in conjunction to Carrier Facility network 126 providing calling services via the Data Network, comprising interfacing a first communication device to an asynchronous network (FIG. 1, column 5 lines 41-48) referenced by a first communication device Telephone 120 connected to Gateway Site 110 interfacing to asynchronous Data Network 112 which is an IP based network, interfacing a second communication device to said asynchronous network (FIG. 1) referenced by second communication device Telephone 102 connected to Gateway Site 108 interfacing to asynchronous Data Network 112, interfacing an interactive response process to said asynchronous network (FIG. 6D) referenced by Calling Card IVR 632 connected to Gateway Site 110 interfacing to asynchronous Data Network 12, wherein said interactive response process is adapted to directly utilize packet network protocols (column 43 lines 2-6) referenced by use of packet network protocols IPDC and SR-3511, establishing a first signaling channel associated with said first communication device and said interactive response process (FIG. 1, FIG. 6C, FIG. 6D, column 42 lines 56-67, column 43 lines 1-6) referenced by control signals H.323 from the Soft Switch 204 via Gateway Site 110 to the IVR 632 connecting Telephone 120 to a Calling Card

IVR, directing under control of said interactive response process using said first signaling channel a first media stream associated with said first communication device to said second communication device to thereby provide a call (FIG. 2B) referenced by combination IVR Soft Switch 304 control of RTP/UDP/IP media stream between Telephone 120 and Telephone 102.

Cave teaches replicating said first media stream to thereby provide a third media stream (FIG. 4) referenced by first media stream output of Line Terminal Interface 35 replicated as a third media stream output of Summer 33C, directing said third media stream to said interactive response process (FIG. 4) referenced by Voice Response Unit, during a time in which said first media stream is directed to said second communications device (column 1 lines 5-11) referenced by 3-way call conference connecting multiple communications devices, and recording said third media stream by said interactive response process (FIG. 4) referenced by voice record function 22R.

Claim 24, Cave teaches said first communication device signaling said interactive response process through said first signaling channel (FIG. 4, column 3 lines 61-64, column 4 lines 32-44) referenced by Voice Response Unit connecting first media stream output of Line Terminal Interface 35 through first signaling channel via VRU control of robotic function associated to resources, and during a time in which said first media stream is directed to said second communication device (FIG. 4, column 1 lines 5-11) referenced by 3-way call conference wherein first media stream output of Line Terminal Interface 35 is directed to said second communication device second media stream output of Summer 33A, to commence recording said third media stream (FIG. 4)

referenced by third media stream output of Summer 33C, wherein said replicating said first media stream is performed under control of said interactive response process (FIG. 4) referenced by replicated first media stream output of Summer 33C is performed by Voice Response Unit, responsive to said signaling from said first communication device to commence recording said third media stream (FIG. 4, column 1 lines 34-41) referenced by the customer using a robotic function resources to record the conversation shown as third media stream output of Summer 33C to recording function 22R.

Claim 25, Elliott teaches establishing a second signaling channel associated with said second communication device and said interactive response process (FIG. 6C, column 40 lines 39-43, column 223 lines 8-12) referenced by IVR operators services collect calls which requires establishing a second signaling channel associated to the second communication device Telephone 102 via Soft Switch 204 to confirm acceptance of charges, directing under control of said interactive response process using said second signaling channel a second media stream associated with said second communication device to said first communication device (FIG. 2B) referenced by acceptance of collect charges and using second signaling channel 259 to connect second communication device Telephone 102 to the first communication device Telephone 120.

Duplicate Claim 24 renumbered as Claim 26, Cave teaches replicating said second media stream to thereby provide a fourth media stream (FIG. 4) referenced by VRU replicating second media stream at input of Summer 33A with the replicated fourth media stream going to input of Summer 33C, directing said fourth media stream to said

interactive response process during a time in which said second media stream is directed to said first communication device (FIG. 4, Abstract lines 1-10) referenced by the replication of the media stream within the VRU while the 3-way conference among Telephones 13 are active, recording said fourth media stream by said interactive response process (FIG. 4 column 1 lines 14-24) referenced by voice record function 22R recording the conference conversation.

Duplicate Claim 25 renumbered as Claim 27, Cave teaches said third and fourth media streams are summed prior to recording (FIG. 4) referenced by Summer 33C which sums the third and fourth media streams for recording at recording function 22R.

Original Claim 26 renumbered as Claim 28, Cave teaches said third media stream is recorded discrete from said fourth media stream (FIG. 4) referenced by third media stream output of Summer 33C to recording function 22R which is discrete from fourth media stream output of Summer 33A to second communication device.

Original Claim 27 renumbered as Claim 29, Cave teaches said recorded third media stream is transmitted to a user associated with at least one of said first communication device and said second communication device (FIG. 4) referenced by third recorded media stream playback function 22P to Summer 33B associated to first media stream output Line Terminal Interface 35 to first communication device Telephone, wherein said transmission of said recorded third media stream is separate from said first and second signaling channels and said first and second media streams (FIG. 4) referenced by recorded third media stream output of playback function 22P is separate from first

media stream output of Line Terminal Interface 35 and second media stream output of Summer 33A along with their respectively signaling channels.

Original Claim 28 renumbered as Claim 30 dependent upon Claim 29, Elliott teaches an Interactive Voice Response unit connected via a computer network (FIG. 6D) referenced by Calling Card IVR 632 connected via Data Network 112. Elliott does not teach recording within the IVR. Cave teaches Voice Response Unit with voice recording. It would have been obvious to incorporate voice recording into an IVR for transmission over a data computer network.

Original Claim 29 renumbered as Claim 31 dependent upon Claim 30, Elliott teaches the computer network comprises the Internet (column 19 lines 59-67, column 20 lines 1-4) referenced by Data Network 112 including the global Internet.

Original Claim 30 renumbered as Claim 32 dependent upon Claim 29, Cave teaches said recorded third media stream includes e-mail transmission (column 4 lines 32-44) referenced by text-to-speech feature wherein a recorded e-mail text can transmitted to the caller via text-to-speech.

Original Claim 31 renumbered as Claim 33, Cave teaches said recorded third media stream is transmitted to a user associated with said first communication device and a user associated with said second communication device (column 1 lines 14-24, lines 34-42) referenced by 3-way conferencing wherein the recorded media stream is playback to both parties thereby transmitted to a first communication device telephone and a second communication device telephone simultaneously.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott as applied to claims 1-2, 8-9, 11-12, 14-18, 20-21, original claims 37-52, 54-61 renumbered as claims 39-54, 56-63 respectively above, and further in view of Shtivelman.

Claim 10, Elliott teaches an interactive voice response unit used to establish telephone calls over a packet data network. Elliott does not teach advertising messages. Shtivelman teaches content of said third and fourth media streams comprise an advertising message (Fig. 2, column 3 lines 10-19, column 7 lines 42-52) referenced by the alternate destination keeping the caller on the line with advertising products. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the advertising mode of Shtivelman to the Interactive Voice Response unit of Elliott for the purpose of keeping a caller on the line via interactive methods.

6. Original Claims 32-36 renumbered as Claims 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott as applied to claims 1-9, 11-12, 14-18, 20-25, duplicate claims 24-25 renumbered as claim 26-27 respectively , original claims 26-31, 37-52, 54-61 renumbered as claims 28-33, 39-54, 56-63 respectively above, and further in view of Adams.

Original Claim 32 renumbered as Claim 34, Elliott and Cave teaches an IVR voice over data network with recording features. They do not teach recorded redirection to a third party nor the use of standardized wave files.

Adams teaches said recorded media stream is transmitted to a user device different that said first communication device and said second communication device (FIG. 1, Page 7, paragraph 0047) referenced by web site interface apparatus 50 which is different from first and second communication device telephones receiving a recorded message.

Original Claim 33 renumbered as Claim 35, Adams teaches recording of said third media stream is in a standardized format adapted for general utilization (Page 26, Audio Server Parameters) referenced by audio message file format parameter representative of a standardized storage format.

Original Claim 34 renumbered as Claim 36, Adams teaches said standardized format is a digital audio format commonly known as a wave file (Page 26, Audio Server Parameters) referenced by audio message file format as wave.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the multimedia apparatus of Adams to the recording

Interactive Voice Response unit of Elliott and Cave for the purpose of delivering digital multimedia information to a mass audience.

Claim 37, Elliott teaches directing a first media stream associated with said first communication device to said interactive response process (FIG. 2B, FIG. 6D) referenced by first media stream associated to communication device Telephone 120 to Calling Card IVR 632, accepting said first media stream by said interactive response process (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, generating a response media stream by said interactive response process responsive to said first media stream (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, directing said response media stream to said first communication device (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, accepting information from said first communication device via said first signaling channel (column 224 lines 35-46) referenced by the acceptance of the authorization code and destination telephone number to which the call will be connected, and controlling said directing of said first media stream to said second communication device as a function of said accepted information to thereby redirect said first media stream from said interactive response process to said second communication device (FIG. 2B, column 224 lines 35-46) referenced by connecting the first media stream associated to the first communication device Telephone 120 to the second media stream associated to the second

communication device Telephone 102 as directed by the Soft Switch 304 in response to the telephone digits collected by the Calling Card IVR.

Claim 38, Elliott teaches interfacing a third communication device to said asynchronous network replicating said first media stream to thereby provide a second media stream and directing under control of said interactive response process using said first signaling channel said second media stream to said third communication device during a time in which said first media stream is directed to said second communication device (FIG. 1, column 220 lines 21-25) referenced by three-way conferencing which interfaces a third communication device Telephone 122 to asynchronous Data Network 112 replicating the first media stream associated to first communication device Telephone 120 to second media stream associated to second communication device Telephone 102 and through IVR conferencing using Soft Switch signaling channel.

Allowable Subject Matter

7. Claims 13, 19, original Claim 53 renumbered as Claim 55 dependent on Claim 47, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Shew whose telephone number is 703-305-8708. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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